

REMARKS

The Office Action dated October 4, 2002 was due January 4, 2003. With a one-month extension of time, the due date has now been extended to February 4, 2003. Filed simultaneously herewith is a one-month extension of time for the present application.

On page 2 of the Office Action, the Examiner has memorialized in writing the Restriction Requirement dated September 20, 2002. At that time, applicants elected Group 1, claims 1 – 15 drawn to a woven textile with a graphic impression. The method claims 16 – 20 have subsequently been withdrawn from further consideration by the Examiner as being drawn to a non-elected invention.

With this response, claims 1 – 20 have been cancelled and new claims 21 – 28 are submitted herewith. These new claims are significantly more narrow in scope than the originally filed claims.

On page 3, paragraph 5 of the Office Action, the Examiner objects to the drawing as failing to contain reference numeral 18 which is mentioned on page 9 of the specification. The drawing has been corrected and is submitted simultaneously herewith showing reference numeral 18.

On page 3, paragraph 6 of the Office Action, the Examiner objects to claims 6, 8, 10, 11, 14, and 15 under 35 U.S.C. 112 as being indefinite relative to “the class” and “said area” and “said impression”. Claims 1 – 20 have been cancelled and these rejections are moot. Nevertheless, with respect to claim 6, the Examiner states “that there is insufficient antecedent basis for the class”. This is a Markush Group claim and no antecedent basis is necessary for “the class”. The Examiner states that there is no support for “said area”. In fact claim 3, from which claim 10 depends, does describe a central area. Lastly, the Examiner states in claim 11 that there is no support for “said impression”. Claim 1 calls for a graphic impression.

On page 4, paragraphs 11 and 12 the Examiner has rejected claims 1 – 15 under the judicially created doctrine of double patenting in view of application 09/747,529 and 09/837,093 respectfully. In view of the fact that these rejections are provisional rejections, no response is necessary at this time. However should either of these applications issue and the claims are still in conflict, a terminal disclaimer will be filed.

On page 5, paragraph 14, the Examiner rejects claims 1 – 4, 7, 9, and 13 – 15 under 35 U.S. C. 102(b) as being anticipated by Hobson. In view of the cancellation of these claims, this rejection is no longer pertinent. Nevertheless, a few comments concerning Hobson are appropriate. Hobson discloses printing certain desired patterns on yarns. Those yarns are then wound on a beam, and the beam is taken to a loom where the textile is woven. On the other hand, the present invention applies a graphic impression on a completed woven fabric. This is different than Hobson.

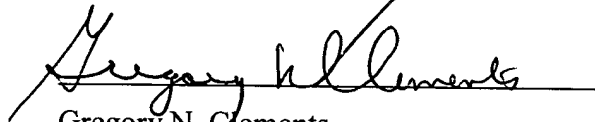
On page 6, paragraph 15, the Examiner has rejected claims 1, 2, 14, and 15 under 35 U.S.C. 102(e) as been anticipated by Carpenter et al. The Examiner states that Carpenter et al. disclose applying a printed pattern to Jacquard woven fabric. Again, these claims have been cancelled in favor of new claims. However, Carpenter et al., like Hobson, teaches printing a pattern on yarns which are then woven into a fabric. Carpenter does not teach printing a pattern on woven fabric as suggested by the Examiner. Carpenter et al. is equivalent to U.S. Patent to Wildeman et al. cited by applicant on page 3 of the specification.

On page 7, paragraph 17 the Examiner has rejected claims 5, 6, 8, and 10 – 12 under 35 U.S.C. 103 as being unpatentable over Hobson. In view of the new claims, it is submitted that this rejection is no longer pertinent.

On page 7, paragraph 18 of the Office Action the Examiner has rejected claims 3 – 8 and 10 – 13 under 35 U.S.C. 103 as being unpatentable over Carpenter et al. In view of the new claims, it is submitted that this rejection is no longer pertinent.

In view of the amendments to the claims and in light of the above remarks, it is submitted that the present application is now in condition for allowance and such is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory N. Clements", is written over a horizontal line.

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Attorney Docket 3129

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Version with Markings to Show Changes Made

Claims 1 – 20 have been cancelled.

Claims 21 – 28 have been added.

21. A towel having a graphic impression, produced by: weaving a towel on a Dobby loom using at least two different colors of yarn, such that a border having a first color is woven adjacent each edge of said towel, on one side thereof, and a border having a second color is woven adjacent each edge of said towel on the other side, said towel having a central area woven within said borders on both said one side and said other side, said central area on said other side is woven with said first color, said central area on said one side is woven with said second color, and forming a graphic impression in said central area on said one side.
22. The product of claim 21, wherein said forming is by screen printing, image dyeing, digital imaging, or heat transferring.
23. The product of claim 21, wherein said border on said one side and said central area on said other side having said woven first color is a dark color, whereas said border on said other side and said central area on said one side is a light color.
24. The product of claim 23, wherein said graphic impression has at least two different colors, neither being said first nor said second color.
25. The product of claim 23, wherein said border shape is selected from the class of rectangular shape, circular shape, oval shape, square shape, and irregular shape.
26. The product of claim 25, wherein said border is solid or a pattern.

27. The product of claim 26, wherein said pattern is selected from the class consisting of stripes, dots, names, silhouettes of sport players, animal shapes, corporate logos, or university mascots.

28. The product of claim 21, wherein said towel is sheared and bloomed.